

offenses for which there was no right to trial by jury, or whether you are saying petty offenses such as there was no right of trial by jury for in common law.

Delegate Case earlier indicated he did not want to limit it to common law, and I am not sure whether you do or not, Delegate Bamberger.

DELEGATE BAMBERGER: I do not intend to limit it to those particular offenses, but I intend to limit it to those kinds of offenses which may be described as petty offenses.

THE CHAIRMAN: Delegate Case, do you consider the suggestion?

DELEGATE CASE: Mr. Chairman, with that explanation of the language by Delegate Bamberger, I would accept the proposed amendment, because it is precisely what we are seeking to do here.

I do not know whether my co-sponsors will accept it. I will have to get them all together.

THE CHAIRMAN: We will take a few moments, and maybe you can come up with something.

I think we will have to move ahead. If you are not ready for the amendment, we will pass it and come back.

Delegate Case.

DELEGATE CASE: Mr. Chairman, the language suggested by Delegate Bamberger certainly meets the intent of the sponsors of this amendment. However, I think that there may be some better words, and I would yield the floor to Delegate Bamberger to see if he has come up with some.

THE CHAIRMAN: Very well, Delegate Bamberger.

DELEGATE BAMBERGER: Mr. Chairman, with the understanding that the amendment that I proposed before and the explanation of that amendment expressed the intent of the proposers of Amendment No. 15, I withdraw that amendment. I would now like to offer another amendment which I hope expresses it more precisely.

On line 6, after the word "offenses," add the words "of the type for which there was no right of trial by jury at common law."

I will read that once more. After the word "offenses" on line 6, add "of the type for which there was no right of trial by jury at common law."

THE CHAIRMAN: Delegate Case, would you accept the suggested modification?

DELEGATE CASE: As I understand the language, it would be after the word "offenses," to add "of the type—" and I did not get the rest of it.

THE CHAIRMAN: "Of the type for which there was no right of trial by jury at common law."

DELEGATE CASE: Yes, sir. That is what we are trying to do here.

THE CHAIRMAN: Very well.

Is there any objection to that modification?

Delegate Koger.

DELEGATE KOGER: I would like for you to explain it. I am not a lawyer.

THE CHAIRMAN: Very well.

The Chair would observe that, as I think all of the delegates would agree, it is rather wordy, but the Committee on Style can probably take care of that.

The amendment would now read, at the end of section 3 add the phrase "except that trial by jury shall not be required for petty offenses of the type for which there was no right of trial by jury at common law."

I take it that that means that it is not limited to the particular petty offenses for which there was no right of trial by jury at common law; but petty offenses that may have been unknown at common law but are of the same type, very minor offenses, that there is not necessarily a right of trial by jury for such offenses.

Is that the intent, Delegate Bamberger?

DELEGATE BAMBERGER: That is my intention.

THE CHAIRMAN: Very well.

Delegate Koss.

DELEGATE KOSS: Mr. Chairman, at the appropriate time, if there is such, I would like the privilege of addressing the question to either Delegate Bamberger or Delegate Case.

THE CHAIRMAN: Delegate Case, will you yield to a question?

DELEGATE CASE: Yes.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: I realize the term "petty offense" is not a term that is easily